

REMARKS

Reconsideration of the application is respectfully requested.

1. The Examiner objected to Claim 1 for a possible typographical error where 'than' was spelt as 'then'. The Applicant respectfully submits that appropriate correction to Claim 1, as suggested by the Examiner has been made.
2. The Examiner rejected Claims 1-10 under 35 USC 103(a) as being unpatentable over Fan *et al.* Publication No. 2004/0104544 A1, and further in view of De Jager, Patent No. 5,439,627.

The Applicant respectfully traverses. The Applicant submits that Fan *et al.* Publication No. 2004/0104544 A1 qualifies as prior-art only under 35 USC 102 (e). However, in accordance with 35 USC 103(c)(1), the Fan *et al.* application does not preclude patentability of the present claimed invention under 35 USC 103; as the subject matter and the claimed invention, at the time the invention was made, was owned by the same person/entity or subject to an obligation of assignment to the same person/entity. Please see MPEP 2136.01

Applicant submits a copy of Notice of Reocordation of Assignment, dated 07/13/2004, at Reel/Frame 014845/0104, demonstrating assignments of both the present application and the Fan *et al.* application, both leading to FuelCell Energy, Ltd.

Therefore, the Applicant respectfully submits, that Claims 1-10 are not obvious, and thus, allowable.

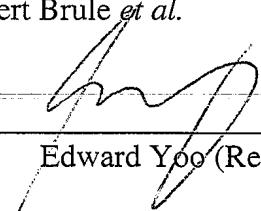
CONCLUSION

In view of the foregoing remarks and amendments, it is respectfully submitted that this application is in condition for allowance and allowance thereof is respectfully requested.

Respectfully submitted,

Robert Brule *et al.*

By:


Edward Yoo (Reg. No. 41,435)

CORRESPONDENCE ADDRESS:

CUSTOMER NO. 22828

Attachments;

1. Assignment of



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231



JULY 14, 2004

PTAS

500002441A

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UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 07/13/2004

REEL/FRAME: 014845/0104
NUMBER OF PAGES: 7

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNEE:

GLOBAL THERMOELECTRIC INC.

DOC DATE: 07/07/2004

ASSIGNEE:

FUELCELL ENERGY, LTD.
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SERIAL NUMBER: 10136406

FILING DATE: 05/02/2002

PATENT NUMBER: 6750169

ISSUE DATE: 06/15/2004

TITLE: COMPOSITE ELECTRODES FOR SOLID STATE DEVICES

SERIAL NUMBER: 09682019

FILING DATE: 07/10/2001

PATENT NUMBER: 6749958

ISSUE DATE: 06/15/2004

TITLE: INTEGRATED MODULE FOR SOLID OXIDE FUEL CELL SYSTEMS

4845/0104 PAGE 2

SERIAL NUMBER: 09931415 FILING DATE: 08/17/2001
PATENT NUMBER: ISSUE DATE:
TITLE: HIGH TEMPERATURE GAS SEALS

SERIAL NUMBER: 09682427 FILING DATE: 08/31/2001
PATENT NUMBER: ISSUE DATE:
TITLE: ANODE OXIDATION PROTECTION IN A HIGH-TEMPERATURE FUEL CELL

SERIAL NUMBER: 09682411 FILING DATE: 08/30/2001
PATENT NUMBER: ISSUE DATE:
TITLE: ELECTRODE PATTERN FOR SOLID STATE IONIC DEVICES

SERIAL NUMBER: 09682817 FILING DATE: 10/22/2001
PATENT NUMBER: ISSUE DATE:
TITLE: ELECTROCHEMICAL CELL INTERCONNECT

SERIAL NUMBER: 10043320 FILING DATE: 01/14/2002
PATENT NUMBER: ISSUE DATE:
TITLE: REDOX SOLID OXIDE FUEL CELL

SERIAL NUMBER: 10063170 FILING DATE: 03/27/2002
PATENT NUMBER: ISSUE DATE:
TITLE: SOFC STACK WITH THERMAL COMPRESSION

SERIAL NUMBER: 10248905 FILING DATE: 02/28/2003
PATENT NUMBER: ISSUE DATE:
TITLE: FUEL CELL MANIFOLD BASE

SERIAL NUMBER: 10065476 FILING DATE: 10/22/2002
PATENT NUMBER: ISSUE DATE:
TITLE: FLAT PLATE FUEL CELL STACK

SERIAL NUMBER: 10065574 FILING DATE: 10/31/2002
PATENT NUMBER: 6643156 ISSUE DATE: 11/04/2003
TITLE: TRANSFORMERLESS TWO-PHASE INVERTER

SERIAL NUMBER: 10604030 FILING DATE: 06/23/2003
PATENT NUMBER: ISSUE DATE:
TITLE: FUEL CELL INSULATING HEAT EXCHANGER

SERIAL NUMBER: 10604460 FILING DATE: 07/23/2003
PATENT NUMBER: ISSUE DATE:
TITLE: HIGH TEMPERATURE GAS SEALS

SERIAL NUMBER: 10707229 FILING DATE: 11/28/2003
PATENT NUMBER: ISSUE DATE:
TITLE: SOLID OXIDE FUEL CELL STACK

SERIAL NUMBER: 10707592 FILING DATE: 12/23/2003
PATENT NUMBER: ISSUE DATE:
TITLE: HIGH TEMPERATURE GAS SEALS

014845/0104 PAGE 3

SERIAL NUMBER: 10604499 FILING DATE: 07/25/2003
PATENT NUMBER: ISSUE DATE:
TITLE: METAL FOAM INTERCONNECT

SERIAL NUMBER: 10708186 FILING DATE: 02/13/2004
PATENT NUMBER: ISSUE DATE:
TITLE: SOFC WITH FLOATING CURRENT COLLECTORS

SERIAL NUMBER: 10249772 FILING DATE: 05/06/2003
PATENT NUMBER: ISSUE DATE:
TITLE: THERMALLY INTEGRATED SOFC SYSTEM

SERIAL NUMBER: 10249397 FILING DATE: 04/04/2003
PATENT NUMBER: ISSUE DATE:
TITLE: SOLID OXIDE FUEL CELL STACK WITH FLOATING CELLS

SERIAL NUMBER: 10604413 FILING DATE:
PATENT NUMBER: ISSUE DATE:
TITLE: ELECTRICALLY CONDUCTIVE FUEL CELL CONTACT MATERIAL

SERIAL NUMBER: 60521391 FILING DATE: 04/15/2004
PATENT NUMBER: ISSUE DATE:
TITLE: FUEL CELL SHUTDOWN WITH STEAM PURGING

SERIAL NUMBER: 09684660 FILING DATE: 10/10/2000
PATENT NUMBER: 6420064 ISSUE DATE: 07/16/2002
TITLE: COMPOSITE ELECTRODES FOR SOLID STATE DEVICES

SERIAL NUMBER: 09682610 FILING DATE: 09/26/2001
PATENT NUMBER: 6703154 ISSUE DATE: 03/09/2004
TITLE: SOLID OXIDE FUEL CELL COMPRESSION BELLOWS

SHARON BROOKS, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS